

5835. Adulteration and misbranding of soap liniment. U. S. * * * v. 1 Carboy * * * of * * * Soap Liniment. Consent decree of condemnation and forfeiture. Product ordered released on bond.
(F. & D No. 8351. I. S No. 6914-p. S. No. E-866.)

On July 26, 1917, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District aforesaid, holding a district court, a libel for the seizure and condemnation of 1 carboy, containing 12 gallons of an article purporting to be soap liniment, consigned by the Tincture & Extract Co., Philadelphia, Pa., remaining unsold in the original unbroken package at Washington, D. C., alleging that the article had been shipped between the dates of July 1, 1917, and July 20, 1917, and transported from the State of Pennsylvania into the District of Columbia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Soap Liniment (U. S. P.) Alcohol 70%. Tincture & Extract Co., Philadelphia, Penna."

Adulteration of the article was alleged in the libel for the reason that it was sold under and by a certain name, to wit, the name of soap liniment, which said name is recognized in the United States Pharmacopœia, when, in truth and in fact, the said drug differed from the standard of strength, quality, and purity as determined by the tests laid down in said Pharmacopœia official at the time of the shipment of said article and the filing of the libel.

Misbranding of the article was alleged for the reason that the label on the carboy was false and misleading in that the statement, "Soap Liniment (U. S. P.)," thereon, imported and signified that the product contained therein was soap liniment of the standard of strength, quality, and purity as determined by the tests laid down in the said Pharmacopœia, official at the time of the shipment of said article and the filing of the libel, when, in truth and in fact, it was not soap liniment according to the standard of the said Pharmacopœia official, as aforesaid, and for the further reason that the article, labeled and branded as aforesaid, purported to contain 70 per cent of alcohol by volume, when, in truth and in fact, it contained 62.7 per cent of alcohol by volume.

On September 20, 1917, the said Tincture & Extract Co., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimants upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$100, in conformity with section 10 of the act.

CARL VROOMAN, *Acting Secretary of Agriculture.*